

ELECTIONS

In response to the Office communication election/restriction requirement at page 2, Applicant elects Group I drawn to a demand responsive physiological control system without traverse. Applicant submits that claims 1-20 encompass Group I.

Pursuant to MPEP §821.04, Applicant reserves the right to amend the non-elected claims during prosecution to require the limitations of the elected invention, if necessary, to retain the right to rejoinder. In accordance with MPEP §821.04(a), when *all* claims to the non-elected invention(s) depend from or otherwise require all the limitations of an allowable claim, Applicant must be advised that claims drawn to the non-elected invention have been rejoined and the restriction requirement has been withdrawn.

Applicant reserves the right to prosecute in one or more divisional applications whatever subject matter is not examined or allowed here.


The undersigned respectfully acknowledges and thanks the Examiner for the courtesies extended during the telephone conference on April 5, 2010 verifying that only the amended claims, and not the IDS, need to be resubmitted within the one month (or thirty-day time) period.

Applicant has cancelled claim 16, has withdrawn claims 21-30, and has amended claim 17 to depend from claim 14 herein. No new matter has been added by the amendments.

In view of the foregoing, Applicant submits that the instant claims are in condition for allowance. Early and favorable action is earnestly solicited. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 50-4711.

Dated: April 5, 2010

Respectfully submitted,



By

Jonathan M. Doloff

Registration No.: 63,521

KAPLAN GILMAN & PERGAMENT LLP

1480 Route 9 North, Suite 204

Woodbridge, New Jersey 07095

(732) 636-4500

Attorneys for Applicant